

State of California
California Regional Water Quality Control Board
Colorado River Basin Region

MINUTES OF BOARD MEETING

Thursday, March 18, 2010, 10:00 a.m.
City Hall Council Chambers
City of La Quinta
78-495 Calle Tampico
La Quinta, CA 92253

The California Regional Water Quality Control Board, Colorado River Basin Region, was called to order by the Chair Ellen Way at 10:00 a.m. on March 18, 2010 at La Quinta, California.

Roll Call (Board Members Only)

Board Members Present:

Tom Davis, Jeff Hays, Red Martinez, Edward Muzik, Ellen Way. The Board Secretary stated that a quorum was present.

Staff Present:

Jose Angel, Terry Barnes, Mary Castañeda, John Carmona, Jose Cortez, Abdi Haile, Robert Perdue, Jon Rokke, Jennie Snyder, Doug Wylie.

Others Present:

Ralph Beatty, Partner, Laguna Asset Management
Steve Bigley, Coachella Valley Water District
Mark Bohannon, Centinela State Prison
Amanda Brooke, McCabe Unified School District
Dwight Carey, Ram Power
Julio Castro, Desert Concepts
Ann Carroll, Office of Enforcement
Frank Cornejo, McCabe School
Mike Davis, Centinela State Prison
Patrick Daugherty, Centinela State Prison
Juan Felix, Felix Gardening Landscaping
Andrew Fowlkes, Centinela State Prison
Pete Gonzalez, Laguna Asset Management
Danielle Janda, U.S. Navy
Jerry Jimenez, Coachella Sanitation District
John A. Jordan, Heber Public Utilities District

William Kagele, U.S. Navy
Glen Lamb, Liberty Landscaping Inc.
Alex Leon, High Quality Landscape
Chris Machado, Centinela
Roger Mayes, Hi Desert Water District
Christy Morm's, Ram Power Orita Project
Hector Munoz, Country Life
Mayumi Okamoto, SWRCB, Office of Enforcement
Manuel M. Sanchez, U.S. Navy
Tom Vandenberg, SWRCB, Office of the Chief Counsel

MINUTES

1. Minutes of January 21, 2010 Board Meeting

MOTION: Red Martinez moved, Jeff Hays seconded, and motion carried unanimously that the Minutes be adopted.

PUBLIC FORUM

2. No Public Comments.

UNCONTESTED WASTE DISCHARGE REQUIREMENTS

3. R7-2010-0008 Waste Discharge Requirements Order No. R7-2010-0008 for **Ram Power, Inc., Owner/Operator, Orita Geothermal Exploration Project**, North Brawley – Imperial County (New)
4. R7-2010-0010 Special Board Order R7-2010-0010 Amending Waste Discharge Requirements Order R7-2006-0048 National Pollutant Discharge Elimination System (NPDES) Permit No. CA0104906 for the **United States Navy, Owner/ Kellogg Brown and Root Services, Inc., Operator Naval Air Facility El Centro Wastewater Treatment Plant, and Wastewater Collection and Disposal Systems**, El Centro – Imperial County (New)
5. R7-2010-0015 Rescission of Waste Discharge Requirements for **Gateway of Americas CSA WWTP, Western Farm Services, Salton City Sanitary District, City of Westmorland, All American Canal Lining Project**, Imperial County (Rescission)

MOTION: Jeff Hays moved, Tom Davis seconded. The motion carried unanimously that Order Nos. R7-2010-0008, R7-2010-0010, and R7-2010-0012 be adopted.

ENFORCEMENT

6. R7-2010-0016 Cease and Desist Order No. R7-2010-0016 issued to **Coachella Sanitary District, Owner/Operator Municipal Wastewater Treatment Plant (MWWTP) – Coachella – Riverside County (New)**

MOTION: Ed Muzik moved, Red Martinez seconded. The motion carried unanimously that Order No. R7-2010-0016 be adopted.

7. R7-2010-0017 Administrative Civil Liability Order No. R7-2010-0017 for Mandatory Minimum Penalties in the Matter of **City of Brawley**, Brawley – Imperial County (New)

MOTION: Tom Davis moved, Ed Muzik seconded. The motion carried unanimously that Order No. R7-2010-0017 be adopted.

8. R7-2010-0005 Administrative Civil Liability Order No. R7-2010-0005 for Mandatory Minimum Penalties in the Matter of **McCabe Union School District**, Owner/Operator Municipal Wastewater Treatment Plant, El Centro – Imperial County (Continued)

MOTION: Ed Muzik moved, Jeff Hays seconded to reduce the proposed discretionary portion of the administrative civil liability from \$17,500 to \$1,000. The motion carried for the reduction. Ellen Way opposed. In a separate vote on the original order, the Mandatory Minimum Penalties will be \$144,000 and the discretionary penalties will be \$1,000 for a total administrative civil liability of \$145,000.. Jeff Hays moved, Red Martinez seconded. The motion carried with four ayes, Ellen Way opposed, that Order No. R7-2010-0005 be adopted as amended.

9. R7-2010-0024 Administrative Civil Liability Order No. R7-2010-0024 for Mandatory Minimum Penalties in the Matter of **Centinela State Prison**, Owner/Operator Municipal Wastewater Treatment Plant, El Centro – Imperial County (New)

MOTION: Tom Davis moved, Jeff Hays seconded to reduce the proposed discretionary penalties from \$16,000 to \$10,000. The motion carried unanimously that Order No. R7-2010-0024 be adopted as amended.

10. R7-2010-0025 Administrative Civil Liability Order No. R7-2010-0025 for Mandatory Minimum Penalties in the Matter of **Country Life Mobile Home and RV Park**, Owner/Operator Municipal Wastewater Treatment Plant, El Centro – Imperial County (New)

MOTION: Jeff Hays moved, Red Martinez seconded to reduce the discretionary penalties from \$16,000 to \$1,500. The motion carried unanimously that Order No. R7-2010-0025 be adopted as amended.

RESOLUTION

11. R7-2010-0023 Supporting the Request by the **City of Calexico and The California Environmental Protection Agency for Cleanup and Abatement Funds for Fiscal Year 2009/2010 to Develop and Implement The New River Improvement Project** in Accordance with Public Resources Code Section 71103.5 (AB 1079 (Perez), C. 382, Stats. 2009) (New)

MOTION: Ed Muzik moved, Jeff Hays seconded. The motion carried unanimously that Order No. R7-2010-0023 be adopted.

OTHER BUSINESS

12. Schedule of Board Meeting Locations for Calendar Year 2010

MOTION: Jeff Hays moved, Tom Davis seconded. The motion carried unanimously that the May, September and November Regional Water Board meetings will be held in La Quinta. The June Regional Water Board meeting will be held at the Hi Desert Water District in Yucca Valley.

13. Informational Update on State Water Resources Control Board Activities – TV

No report from Counsel.

14. Colorado River Basin Water Board Executive Officer's Report – RP

Mr. Perdue reported on the February 17, 2010, Strategic Planning Workshop held at the Palm Desert Regional Board office, facilitated by UC Davis Professors Gene Crumley and Carolyn Penny, Esq. Five issues were listed as goals and two goals, recycled water and staff rotation were presented, respectively, by Doug Wylie and Jonathan Rokke. The Executive Officer recommended that the other three goals be addressed in detail at a later Workshop in late May or early June.

Mr. Perdue reported on the Topock Leadership Partnership meeting held March 2, 2010, at the MWD Gene Pumping Plant near Parker Dam along the Colorado River. The meeting centered on gaining agreement between the tribes and federal and state government agencies for a schedule to release the Proposed Statement of Basis for cleanup of the chromium contamination and Draft EIR. Given the ongoing state budget crisis, the schedule takes into account the need for holding public meetings by the end of this fiscal year, June 30, 2010, since starting July 1st state worker travel will likely be severely curtailed.

15. Colorado River Basin Water Board Member Comments

Board Member Muzik reported he had been unable to attend the Strategic Planning Workshop at the Regional Board because he was at LAFCO. Mr. Muzik was pleased to announce that LAFCO granted sewerage authority to High Desert Water District.

Additionally, Mr. Muzik noted the allocations for State Water Contractors has risen from 5 to 15 percent. Final allocations will be based on upcoming snowpack measurements. Chair Way said agriculture allocations in the Central Valley could rise from 5 to a hoped for 35 percent.

16. Colorado River Basin Water Board Chair's Report – EW

No report from Chair.

CLOSED SESSION

17. At any time during the regular session, the Board may adjourn to meet in closed session to consider the appointment, employment, evaluation of performance, or dismissal of a public employee [Authority: Government Code Section 11126(a)]; to consider evidence received in an adjudicatory hearing and deliberate on a decision to be reached based on that evidence [Authority: Government Code Section 11126(c)(3)]; to discuss significant exposure to litigation [Authority: Government Code Section 11126(e)(2)(B)(i)]; to discuss whether to initiate litigation [Authority: Government Code Section 11126(e)(2)(C)(i)]; or to discuss initiated litigation [Authority: Government Code Section 11126(e)]. Discussion of litigation is within the attorney-client privilege and may be held in closed session [Authority: Government Code Section 11126(e)(2)].

a. EXECUTIVE OFFICER PERFORMANCE EVALUATION

Ed Muzik commented he will have a few changes to the review form and will have the final copy by the next Board meeting on May 20, 2010.

ARRANGEMENTS FOR NEXT BOARD MEETING: Thursday, May 20, 2010, 10:00 a.m. in La Quinta.

Adjournment: 1:12 p.m.